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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,377	12/22/1999	MASATO NISHIKAWA	TAIYO40.001A	6066

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
2674	

DATE MAILED: 07/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/470,377	NISHIKAWA ET AL.
	Examiner Ronald Laneau	Art Unit 2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14, 16-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 3-9, 12-14, 20 and 21 is/are allowed.
- 6) Claim(s) 1, 2, 10, 11 and 16-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/03 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 11, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimasa et al (EP 0 884 691 A2) in view of Liao et al (US 6,507,338).

As per claims 1 and 2, Yoshimasa et al teach a touch operating input device 5 comprising a display device 2 for displaying operation function items and a touch panel 5 which is provided separately from the display device 2 and which is selecting the function items by touch operation, wherein a touch-operation guide shape is formed on the touch operation face of said touch panel (col. 6, lines 10-19, fig. 1). Yoshimasa et al teach a touch-operation input device further comprising control means for controlling said display device to display an image representing the touch-operation guide shape, the image being overlapped with the operation

function items (fig. 8). Yoshimasa et al do not teach a touch-operation guide shape which is formed with convex or concave ribs on the touch-operation but Liao et al teach a touchpad including a portion which is usable for button function to select items on a computer display panel. The overlay 446e is a solid flexible panel including a plurality of raised rib members which define sections of overlay 46e and can be differentiated by feel (col. 5, lines 44-47, fig. 12).

It would have been obvious to one of ordinary skill in the art to utilize the rib members taught by Liao et al in to the touch-operating device of Yoshimasa et al because it would allow a user to operate the touch panel with more accuracy knowing exactly the touching area and at the same time providing a feel to human touch.

As per claim 11, the shape of the rib members taught by Liao et al can be convex or concave shapes as claimed (fig. 2).

As per claims 16-18, Liao et al teach a touchpad including a portion which is usable for button function to select items on a computer display panel. The image can be overlapped with the operation function items as claimed (col. 6, lines 14-20).

Allowable Subject Matter

4. Claims 3-9, 12-14, 20, and 21 are allowed.

Claims 3-7, 12-14, 20, and 21 are allowed for the same reasons given in previous action.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 10, a touch-operating input device wherein at least one of the convex shape and the concave shape is disposed at least one position serving as a reference for determining a position on the touch-operation face.

Response to Arguments

5. Applicant's arguments filed 5/27/03 have been fully considered but they are not persuasive.

Applicant argues about Yoshimasa et al not teaching a touch-operation guide shape with ribs of a touch panel are met by the newly added reference in Liao et al. Therefore, the rejection stands.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is 703-305-3973. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6.00 PM or via email: ronald.laneau@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached at 703-305-4709.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ronald Laneau
Examiner
Art Unit 2674

rl
July 9, 2003



RICHARD KUERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600